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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

0002656USU/3143

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on June 30, 2006

Signature

Typed or printed name Marilyn Alexander

Application Number

10/809,298

Filed

March 25, 2004

First Named Inventor

Salvatore SABBATINO

Art Unit

2883

Examiner

Kaveh C. Kianni

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 31,019
Registration number

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

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June 30, 2006

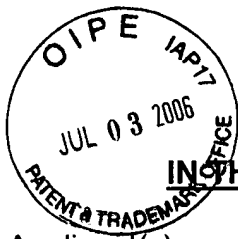
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Sabbatino

Serial No.: 10/809,298

For: A CONNECTION ARRANGEMENT FOR OPTICAL
COMMUNICATION SYSTEMS

Filed: March 25, 2004

Examiner: Kaveh C. Kianni

Art Unit: 2883

Confirmation No.: 1499

Customer No.: 27,623

Previous Attorney Docket No.: 36040150 US-01

Current Attorney Docket No.: 0002656USU

**Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

In response to the Final Office Action dated May 31, 2006, Applicant respectfully files herewith a Notice of Appeal and requests review before filing an appeal brief.

Related Appeals

The undersigned attorney is not aware of any related appeal and/or interference.

Status of the Claims

Claims 1-4 and 6-9 are pending in the present application. Claims 1, 3, and 6 are independent. Independent claims 3 and 6, as well as dependent claim 4, have been allowed.

Independent claim 1, as well as dependent claims 2 and 7-9, were finally rejected under 35 U.S.C. §103 over U.S. Publication No. 2004/0145452 A1 to Fujieda et al. (Fujieda).

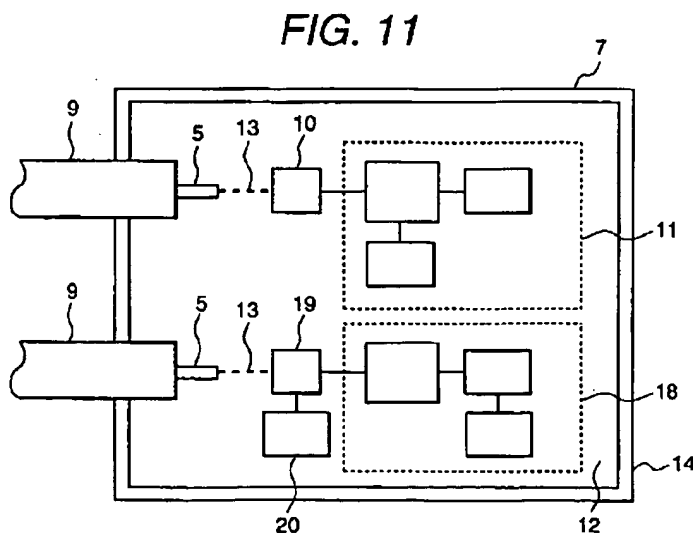
Clear Errors for Review

The final rejection of claims 1, 2 and 7-9 under 35 U.S.C. §103 over Fujieda is clearly erroneous and requires review.

Independent claim 1 requires “an electrical subassembly”, “an optical subassembly”, and “an associated electrical connection including at least one electrical lead extending therebetween”. Further, independent claim 1 requires “at least electrically non-conductive absorber body arranged to at least partly cover said at least one electrical lead (emphasis added)”.

The Final Office Action asserts, with respect to Figure 11, that the wire extending from laser driver circuit 11 to laser device 10 and the wires extending between circuit 18, PD 19, and element 20 are the claimed “at least one electrical lead”.

Figure 11 is reproduced below for the convenience of the Board.



Fujieda discloses an electromagnetic wave absorbing layer that is arranged inside of a metal cap 5. See paragraph [0059] of Fujieda. As is clearly seen from Figure 11, metal cap 5 does not “at least partly cover” any of the asserted electrical leads as is required by claim 1.

The Final Office Action responded to Applicant’s assertion that Fujieda does not disclose or suggest that the electromagnetic wave absorbing layer “at least partly cover” the electrical lead as required by claim 1. Specifically, the Final Office Action asserted that Fujieda discloses this limitation at paragraph [0012] and asserts that this limitation is widely conventional and supports this assertion via paragraph [0007].

Paragraph [0007] broadly discloses the use of a radio wave absorbing material inside an electronic device to reduce EMI that will appear inside the device. However, this particular section of Fujieda simply does not disclose or suggest the combination claimed where the electrically non-conductive absorber body is arranged to at least partly cover said at least one electrical lead. Rather, this section of Fujieda is silent as to the location or arrangement of the radio wave absorbing material.

Paragraph [0012] merely discusses the particular electromagnetic wave absorption material disclosed by Fujieda. However, this particular section of Fujieda also does not disclose or suggest the combination claimed where the electrically non-conductive absorber body is arranged to at least partly cover said at least one electrical lead. Rather, this section of Fujieda is also silent as to the location or arrangement of the radio wave absorbing material.

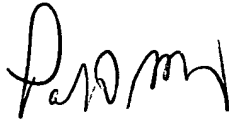
Therefore, it is respectfully submitted that Fujieda simply does not disclose or suggest the at least electrically non-conductive absorber body arranged to at least partly cover said at least one electrical lead” required by claim 1.

Accordingly, claim 1 is believed to be in condition for allowance. Claims 2 and 7-

9 are also believed to be in condition for allowance for at least the reason that they depend from claim 1. Reconsideration and withdrawal of the rejections to claims 1, 2, and 7-9 are therefore respectfully requested.

In view of the above, it is respectfully submitted that the final rejection is clearly erroneous and, as such, the present application is in condition for allowance. Reconsideration and withdrawal of the rejection to claim 1, 2, and 7-9 and passage of the present application to issuance are respectfully requested. Such action is solicited.

Respectfully submitted,



6/30, 2006

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